

Chapter 5.66**AMBULANCES****Sections:**

5.66.010	Definitions.
5.66.020	Franchises.
5.66.030	Franchise fees.
5.66.040	Application for a franchise or extension of a franchise.
5.66.050	Investigation of application.
5.66.060	Grant or denial of franchise.
5.66.070	Content of franchise ordinance.
5.66.080	Amendment of franchise ordinances.
5.66.090	Extension of franchises.
5.66.100	Suspension and revocation of franchises.
5.66.110	Suspension, conditional operation, and temporary variance.
5.66.120	Service requirements.
5.66.130	Conformance with operating areas.
5.66.140	Communications requirements.
5.66.150	Standards for operation of an ambulance service.
5.66.160	Ambulance safety and emergency equipment requirements.
5.66.170	Ambulance personnel.
5.66.180	Ambulance rates.
5.66.190	Continuation of call.
5.66.200	Special events franchise.
5.66.210	Emergency and disaster operations.
5.66.220	Mutual aid requirements.
5.66.230	User complaint procedures.
5.66.240	Enforcement responsibilities.
5.66.250	Public hearing procedure.
5.66.260	Specialized transportation services.
5.66.270	Severability.

Section 5.66.010 Definitions.

Unless otherwise stated, certain words and terms used in this chapter are defined as follows:

"Administrator" means the ambulance franchise administrator of the City of Riverside.

"Advanced life support (ALS) or limited advanced life support (LALS) ambulance" means an ambulance which has the basic equipment specified in Title 13 of the California Code of Regulations for such an ambulance as well as additional equipment and supplies, if any, specified by the local emergency medical services agency.

"Ambulance" means any privately or publicly owned vehicle, boat or aircraft (excluding fixed wing aircraft) specifically designed, constructed, modified, equipped, arranged, maintained or operated and licensed by the California Highway Patrol for the purpose of transporting sick, injured, wounded, invalid, expectant mother, convalescent, or otherwise incapacitated persons.

"Ambulance service" means any private or public person that owns, controls or operates one or more ambulances, whether for profit or not.

"Attendant" means a person who is qualified and certified under State and County laws

and regulations to act as an attendant on an ambulance that is transporting a patient and who occupies the patient compartment.

"Basic life support (BLS) ambulance" means an ambulance that has equipment and supplies specified in Title 13 of the California Code of Regulations for such an ambulance as well as additional equipment and supplies, if any, specified by the Local Emergency Medical Services Agency.

"City" means the City of Riverside.

"Committee" means the City Council's Public Safety Committee.

"Council" means the City Council of the City.

"County" means the County of Riverside.

"Driver" means a person who is qualified and certified under State and County laws and regulations to operate and drive an ambulance.

"Emergency" means a condition or situation in which a person has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency.

"Emergency call" means a request for the dispatch of an ambulance to transport or provide other assistance for a person who apparently has a sudden or unforeseen need of medical attention.

"Emergency medical services (EMS)" means the services needed to provide emergency medical care in a condition or situation in which a person has a need for immediate medical attention or where the potential for such need is perceived by emergency medical personnel, a public safety agency, or with respect to interfacility transfers qualified medical personnel of the facility from which the person is to be transferred. Any transportation services provided in response to a request for an ambulance operating under a permit issued by the Commissioner of the California Highway Patrol or the attendance of certified emergency medical personnel or licensed medical personnel shall be deemed the providing of emergency medical services.

"Emergency medical technician-I (EMT-I)" means a person trained and certified to provide basic life support according to standards prescribed by Division 2.5 of the Health and Safety Code and the Local EMS Agency.

"Emergency medical technician-II (EMT-II)" means a person trained and certified to provide limited advanced life support according to standards provided by Division 2.5 of the Health and Safety Code and the Local EMS Agency.

"Emergency medical technician-paramedic (EMT-P) paramedic or mobile intensive care paramedic" means a person specially trained and certified to provide advanced life support according to standards prescribed by Division 2.5 of the Health and Safety Code.

"Franchisee" means any ambulance service possessing a current franchise granted by the Council to provide ambulance service within the City.

"Health officer" means the Director of Health for Riverside County who is also the City Health Officer.

"Level of service" means the type or scope of ambulance services that may be provided by a franchisee, and for EMS will be specified as basic life support, limited advanced life support and advanced life support provided by personnel certified as specified in Division 2.5 of the California Health and Safety Code and Title 22, Division 9 of the California Code of Regulations.

"Local EMS Agency" means the Local Emergency Medical Services Agency of the County.

"Mobile intensive care nurse (MICN)" means a nurse who has been certified by the Medical Director of the Local EMS Agency as qualified in the issuance of emergency instructions to EMT-IIs and EMT-Ps.

"Patient" means a sick, injured, wounded, invalid, expectant mother, convalescent, or otherwise incapacitated person.

"Person" means any individual, firm, corporation, partnership, association, agency, or

group or combination acting as a unit.

"Special events" means any situation where a publicly announced event places a grouping or gathering of people in one general locale sufficient in number, or subject to activity that creates the need to have one or more ambulances at the site. (Ord. 5761 § 1, 1989)

Section 5.66.020 Franchises.

A. Required. It shall be unlawful and a misdemeanor for any person, either as owner, agent or otherwise, to operate, conduct, advertise or engage in or profess to be engaged in the business or service of transporting patients by ambulance upon the streets or any public way or place in the City, except in conformance with a valid franchise to do so granted by the Council.

B. Exceptions. The equipment and personnel standards specified in this chapter apply to all ambulance services; however, the franchise requirements shall not apply to:

1. Ambulance transportation services provided by the City;
2. Vehicles including aircraft operated as ambulances at the request of local authorities during any "state of war emergency," duly proclaimed "state of emergency" or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division I of Title 2 of the Government Code), as amended;
3. Ambulances based in adjoining counties or states operating in the underserved border areas of the County where the Health Officer has conducted an investigation to describe the service area, assured conformity with County and City policies and established a letter or agreement between the County Public Health Department and appropriate regulatory agencies within the adjacent county or state. Such agreement shall contain a description of the service area and level of service; and
4. Ambulances providing continuation of call services described in Section 5.66.190.

C. Enforcement. In addition to criminal prosecution and penalty under Section 1.01.110 of this code, any person who violates any of the provisions of this chapter may be made a defendant in a civil action to enjoin any further violations hereof. (Ord. 5761 § 1, 1989)

Section 5.66.030 Franchise fees.

No franchise fee will be imposed for the granting of a franchise hereunder. All franchisees shall instead obtain business tax certificates and pay annual business taxes pursuant to Chapter 5.04 of this code. (Ord. 5761 § 1, 1989)

Section 5.66.040 Application for a franchise or extension of a franchise.

A. Procedure and Information Required. Prerequisites to the granting of a franchise or an extended term of an existing franchise to an applicant shall include the filing with the administrator of an application in writing on a form to be furnished by the City, which shall provide the following minimum information:

1. Name and description of applicant;
2. Business address and residence address of record of the applicant;
3. Trade or firm name, or DBA as recorded;
4. If a corporation, a joint venture or a partnership or limited partnership, the names of all corporate officers, joint venturers or partners, including limited partners, and their permanent addresses and their percentage of participation in the business;
5. A statement of facts by new applicants explaining the past experience of the applicant in the operation of an ambulance service, including the levels of service provided, and showing that the applicant is qualified to render efficient twenty-four-hour ambulance service;
6. A photocopy of the license(s), if any, issued by the Commissioner of the California Highway Patrol to the applicant in accordance with § 2501, California Vehicle Code and Title 13, California Code of Regulations;

7. The geographical operating area within the City for which the franchise is requested;
8. The level or levels of service which the applicant proposes to provide;
9. A statement in initial and extension applications that the applicant owns or will have under his or her control all equipment required to conduct an ambulance service competently in the operating area for which the applicant is or proposes to be franchised, which meet the requirements established by the California Vehicle Code if applicable, and that the applicant owns or has access to suitable and safe facilities for maintaining his or her ambulance service in a clean, sanitary and mechanically sound condition;
10. A list for initial and extension applications giving a complete description of each ambulance vehicle operated by the applicant, including the patient capacity thereof, which list shall be promptly amended as required from time to time for any changed, substituted, loaned or leased vehicles, and a copy of the most recent Ambulance Inspection Report, if any, issued by the California Highway Patrol for each vehicle;
11. An affirmation for initial and extension applications that each licensed ambulance and its appurtenances conform to all applicable provisions of this chapter, the California Vehicle Code, the California Code of Regulations, Federal Aviation Administration regulations, and any other applicable State or local directives;
12. A statement for extension applications that the applicant employs sufficient personnel adequately trained and available to continue delivering ambulance services of good quality at all times in the applicant's operating area, and a statement for initial applications that the applicant will employ sufficient personnel adequately trained and available to deliver ambulance services of good quality at all times in the operating area for which applied;
13. A list identifying each ambulance employee and describing the level of training received by each ambulance employee, which list shall be amended as required from time to time for any personnel changes, and a copy of each certificate or license issued by the State, County, or local EMS Agency establishing qualifications of such personnel in ambulance operations;
14. A proposed schedule of any special rates to be charged by the applicant for ambulance services;
15. A statement of facts and supporting evidence in initial applications that shows to the satisfaction of the Council that the granting of a franchise is in the public interest and that there is a public need for a franchise to be granted in that there is a public need for the type of ambulance service which can be legally provided by the applicant and the service is not being provided and cannot or will not be provided by the existing franchisee(s);
16. A statement signed by the applicant that as a condition of the Council's granting a franchise, the applicant agrees to appear in and defend all actions against the City and Council arising out of the exercise of the franchise, and shall indemnify, defend, and save the City and its officers, employees and agents harmless of and from all claims, demands, actions, or causes of action of every kind and description resulting directly or indirectly from, arising out of, or in any way connected with, the granting or exercise of the franchise, unless this would create a conflict of interest;
17. Such other facts or information as the administrator may require; and
18. In addition to the above, applicants for franchises for "special events" shall also meet the following requirements:
 - a. A showing that the special events ambulance cannot or will not be provided by the existing franchisee(s);
 - b. Rates for "special events" ambulance services shall be determined by common agreement between the special event promoter and the franchisee but shall not exceed rates authorized by the Council. (Ord. 5761 § 1, 1989)

Section 5.66.050 Investigation of application.

A. Upon receipt of a franchise application, the administrator shall conduct an investigation to determine if the public health, safety, welfare, convenience, and necessity require the granting of a franchise for the operating area and level of service for which the application has been made and shall further determine if the applicant meets all requirements of this chapter and if the granting of a franchise would threaten the economic viability of the existing franchisee(s). The administrator shall consult with and, if possible, obtain the assessment of the application by the Health Officer or the Local EMS Agency as part of his investigation. Within forty-five days after the completion of his investigation, the administrator shall prepare and issue a report to the Committee, present a copy to the applicant, and request that a meeting of the Committee be called within fourteen days to consider the report and other testimony. After due deliberation, the Committee shall make its recommendation to the Council on whether to approve or deny the franchise application. No franchise shall be granted by the Council unless and until the Council has determined that the public health, safety, welfare, convenience, and necessity require the granting of the franchise and has followed the franchise procedures set forth in the City Charter. (Ord. 5761 § 1, 1989)

Section 5.66.060 Grant or denial of franchise.

A. The Council may initiate proceedings under the City Charter to grant an ambulance service franchise upon finding at the conclusion of a public hearing on the application that the applicant has demonstrated that the public health, safety, welfare, convenience, and necessity require the availability of such ambulance service and that the applicant meets all requirements of this chapter. The Council shall consider: whether the public is already being adequately served; the financial responsibility of the applicant; the number, kind and type of equipment proposed for use; the schedule of rates proposed to be charged; and such other factors as the Council considers relevant. At the hearing the applicant shall have the burden of proof to present facts necessary to support the Council's findings.

B. Whenever an application is filed under the provisions of this chapter for a franchise to provide ambulance services where such services are already being provided under an existing franchise, the Council, after due investigation, may find and determine, as a matter of fact, that the applicant has failed to demonstrate that there exists sufficient potential need for additional ambulance service to justify the granting of another franchise. Predicated on such findings, the Council may deny the application on the grounds and findings that the granting of another franchise would impair the economic viability of the existing franchisee and would not be in the public interest and welfare.

C. The Council may deny a franchise application or revoke an existing franchise if the applicant or franchisee or any partner, officer, or director thereof:

1. Was previously the holder of a franchise granted by the Council which was revoked or not extended and the circumstances upon which the revocation or nonextension was based have not been corrected;

2. Is committing or has committed any act, which, if committed by any franchisee, would be grounds for the suspension or revocation of that franchisee's franchise;

3. Has committed any act involving dishonesty, fraud, or deceit whereby another person was injured or the applicant has unjustly benefited;

4. Has provided or is providing ambulance service within the City without having a franchise therefor as required by this chapter; or

5. Has entered a plea of guilty to, been found guilty of, or been convicted of a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of any order granting probation following such conviction or suspending the imposition of sentence, or of a subsequent order under the

provisions of § 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

D. Liability Insurance.

1. Every franchisee shall obtain and keep in force during the term of the franchise comprehensive general liability insurance issued by a company authorized to conduct insurance business in the State of California which insures the franchisee and names the City as an additional insured against loss by reason of injury or damage that may result to persons, patients or property from negligent operation or defective maintenance of the franchisee's ambulances, negligent acts or omissions of the franchisee's employees in the performance of their duties, and negligent violation of this chapter, local EMS Agency protocols or any other law of the State of California or the United States pertaining to ambulance operations. The liability insurance policy shall be in the amount of one million dollars combined single limit or such other amount determined annually by City's Risk Manager for personal injury to or death of any one person or destruction of property in any one accident. The franchisee shall also obtain and keep in force Workers' Compensation insurance covering all employees of the franchisee. Before the Council grants a franchise, copies of the policies, or certificates and endorsements confirming the existence of such policies, shall be filed with the City Attorney. All policies shall contain a provision requiring that a thirty-day written notice be given to the Administrator prior to cancellation, modification, or reduction in limits.

2. Public ambulance providers shall show evidence of liability protection in the form of copies of insurance policies, official action of their governing body or other legal documents.

3. The failure to obtain, maintain or keep in force at all times the insurance required in this subsection shall be cause for Council suspension or revocation of a franchise. (Ord. 5761 § 1, 1989)

Section 5.66.070 Content of franchise ordinance.

The franchise ordinance shall specify the dates of granting and expiration, the operating area(s) of the City within which the franchisee may provide ambulance service, the minimum number of ambulance units to be used by the franchisee, the level or levels of service to be provided, and any special conditions regarding communication, equipment, personnel, rates, or waiver of requirements deemed appropriate by the Council. (Ord. 5761 § 1, 1989)

Section 5.66.080 Amendment of franchise ordinances.

The Council may amend the conditions specified in a franchise ordinance if the Council finds such changes are in substantial compliance with the provisions of this Chapter and deemed necessary for the purpose of insuring competent service to the public. (Ord. 5761 § 1, 1989)

Section 5.66.090 Extension of franchises.

Subject to the maximum term limitation of the City Charter, franchises may be extended by the Council upon application of the franchisee if the franchisee proposes no substantial change in the content of the franchise ordinance, and if the Council determines that the franchisee has during the period of the franchise operated in conformity with the provisions of this chapter, the franchise ordinance and the rules and regulations of the City, and that the franchisee is capable of continuing operation in conformity with the rules and regulations of the City. (Ord. 5761 § 1, 1989)

Section 5.66.100 Suspension and revocation of franchises.

A. The Council, after conducting a hearing pursuant to Section 5.66.250, shall be empowered to suspend or revoke a franchise granted under the provisions of this chapter and the City Charter to operate an ambulance service when it finds and determines after investigation that the franchisee or any partner, officer, director or managing employee thereof:

1. Violated any section of this chapter, his or her franchise ordinance, the County EMS Plans, or any rules or regulations that are promulgated by the City or the Local EMS Agency which relate to his or her franchise activities;

2. Has been convicted of any felony committed during or in connection with the provision of ambulance operations;

3. Has been convicted of any misdemeanor involving moral turpitude committed during or in connection with the provision of ambulance operations;

4. Has been convicted of any offense relating to the use, sale, possession, or transportation of narcotics or habit-forming drugs;

5. Committed any act involving dishonesty, fraud, or deceit whereby another person was injured or the franchisee has unjustly benefited;

6. Has misrepresented a material fact in obtaining a franchise, or is no longer adhering to the conditions specified in his or her franchise ordinance;

7. Aided or abetted an unlicensed, uncertified or non-franchised person to evade the provisions of this chapter;

8. Failed to make and keep records showing the transactions of the franchisee, or failed to have such records available for inspection by the Council or the administrator for a period of not less than three years after completion of any transaction to which the records refer, or refused to comply with a written request of the administrator to make such records available for inspection;

9. Accepted an emergency call within the franchised area when either unable or unwilling to provide the requested service and failed to inform the person requesting such service of any delay or failed to obtain the consent of such person before causing an ambulance to respond from a location more distant than the one to which the request was directed; or

10. Failed to pay any required fees, taxes or civil or criminal penalties imposed for operations as an ambulance service.

B. If any of the managing employees of an ambulance service are found after hearing to have acted in the manner set forth in subsections (A)(2), (3), (4), or (5) hereof, the ambulance service shall not have its franchise suspended or revoked unless it shall have failed, for more than fifteen days after the completion of said hearing, to have removed and discharged the employee found to have so acted. (Ord. 5761 § 1, 1989)

Section 5.66.110 Suspension, conditional operation, and temporary variance.

A. In the event of any interruption of service of more than twenty-four hours duration, or any substantial change in the ambulance service, which causes, or threatens to cause, the ambulance service to be operated differently from the terms and conditions specified in its franchise, the franchisee shall notify the administrator immediately in writing, stating the facts of such change and steps undertaken to cure it.

B. Upon written request by a franchisee, the Council may at the conclusion of a public hearing on the request grant a temporary variance in writing from the conditions specified in the franchisee's franchise ordinance if it finds that such change is in substantial compliance with the provisions of this chapter. If the Council finds that such change is not in substantial compliance with this chapter, it may suspend, revoke or amend the franchise.

C. No franchise shall be transferred to another person except upon prior approval of the Council after timely review and report thereon by the administrator. (Ord. 5761 § 1, 1989)

Section 5.66.120 Service requirements.

A. Each franchisee shall provide ambulance services (of the level or levels specified in the franchise) on a continuous twenty-four hours per day basis, excluding acts of God or labor disputes. If for any reason a franchisee stops providing the prescribed level or levels of service on a continuous twenty-four hours per day basis, the franchisee shall immediately stop any and all advertisement as a provider of the services which have been discontinued and immediately notify the administrator.

B. The continuous service requirement does not apply to holders of "special events" franchises. (Ord. 5761 § 1, 1989)

Section 5.66.130 Conformance with operating areas.

A. No franchisee shall, but for the exceptions below, provide EMS for ambulance calls originating within the City but outside the territorial limits fixed in his or her franchise.

B. Exceptions. A franchisee may provide EMS for ambulance calls originating within the City but outside the territorial limits fixed in his or her franchise under the following circumstances:

1. Upon request by any law enforcement or governmental agency having jurisdiction pursuant to written mutual aid agreements approved by the Council and the Health Officer;

2. Upon request of a franchisee in an adjoining service area/zone, when such franchisee does not have an ambulance or level of service immediately available in the operating area from which a request originates, and when ambulance response is immediately required;

3. Upon request to provide medically required specialized transportation services not immediately available for a patient in another operating area if such specialized services have heretofore been approved in accordance with Section 5.66.260. (Ord. 5761 § 1, 1989)

Section 5.66.140 Communications requirements.

Each ambulance service operating within the City shall establish and maintain radio contact as prescribed by the Local EMS Agency and where applicable the Federal Aviation Administration, and in compliance with F.C.C. Regulations. No ambulance service shall allow an ambulance to be operated in service unless it is equipped with a two-way (VHF) radio which is in good working order and capable of communicating on 155.265 and 155.295 megahertz. In addition, no ambulance service shall allow an ambulance to be designated as an LALS or an ALS provider unless it is equipped with a two-way (UHF/COR) radio in good working order. (Ord. 5761 § 1, 1989)

Section 5.66.150 Standards for operation of an ambulance service.

A. Each ambulance service shall operate in accordance with Titles 13 and 22 of the California Code of Regulations and those standards and guidelines established by the Local EMS Agency and the State of California Emergency Medical Services Authority.

B. Each ambulance service shall maintain staff and ambulances in sufficient readiness such that an ambulance containing a driver and attendant trained in cardiopulmonary resuscitation shall respond to ninety-five percent of all emergency response calls within ten minutes or less. The personnel must be trained in and to the standards commensurate with those of the State of California and the Local EMS Agency. (Ord. 5761 § 1, 1989)

Section 5.66.160 Ambulance safety and emergency equipment requirements.

A. Minimum Equipment. All ambulances shall be equipped with all safety and emergency equipment required for ambulances by California Statutes, the California Code of

Regulations, and the administrative rules of the Health Officer and the Local EMS Agency as the same are now written, or hereafter amended.

B. ALS and LALS Ambulance Equipment. In addition to regular ambulance equipment and supplies, ALS and LALS ambulances shall also be equipped as required by administrative rules of the Health Officer and the Local EMS Agency.

C. Maintenance of Emergency Equipment and Supplies. Dressings, bandagings, instruments, and other medical supplies used for care and treatment of patients shall be kept and protected in a manner which assures that they will be suitable for use from a medical standpoint and as medically indicated. (Ord. 5761 § 1, 1989)

Section 5.66.170 Ambulance personnel.

A. Ambulance Driver. Every person who drives an ambulance within the City, while responding to emergency calls, shall comply with the requirements of the California Code of Regulations for ambulance drivers. The driver shall also hold a certificate as an EMT-I, EMT-II, or EMT-P.

B. Ambulance Attendant. An ambulance attendant shall be trained and competent in the proper use of all emergency equipment required by this chapter, and shall hold the required certification to satisfy the level of service specified in the franchise.

C. Attendant Required. Each ambulance being operated within the City, in response to an emergency call, shall be staffed by both a driver and an attendant, unless the ambulance service operator has been exempted by the Local EMS Agency. The attendant of an ambulance responding to an emergency call shall occupy the patient compartment while transporting any person in apparent need of medical attention.

This section shall not apply during any "state of emergency," or "local emergency" as defined in the Government Code of the State of California. (Ord. 5761 § 1, 1989)

Section 5.66.180 Ambulance rates.

A. No ambulance service shall charge more for its services than the rates and charges approved from time to time by Council resolution. City Council Resolution No. 16847, as amended, contains the approved rates and charges existing on the effective date of this chapter.

B. Proposed special rates or proposed changes in existing approved rates and charges shall be submitted to the administrator for review. The administrator shall review all data and evidence submitted in justification of the proposal and shall recommend approval or denial thereof to the Committee, which in turn shall make its own recommendation to the Council. No new or increased rates or charges shall be effective or imposed without Council approval by resolution.

C. The administrator at the time of any rate adjustment proposal may request an audit of books and records of a franchisee for the purpose of verifying revenue and cost data. Such an audit shall be carried out by a person selected by the franchisee and approved by the Administrator. If the administrator and franchisee cannot agree on a person to perform the audit, then the audit shall be carried out by a Certified Public Accountant selected by the Council. If there is any charge, cost or fee for such an audit, such shall be paid by the franchisee. The Council may deny any adjustment if an audit is requested and not produced or if a produced audit does not support any need for a rate change. Every audit shall be done promptly, and within thirty days of the time it is requested so that there should be no undue delay.

D. Under no circumstances shall ambulance personnel dispatched on a Code 3 call attempt to collect for the service prior to the delivery of the patient at an appropriate medical facility. (Ord. 5761 § 1, 1989)

Section 5.66.190 Continuation of call.

An ambulance based and properly licensed outside the City shall be authorized to transport a patient to or through the City but shall not be authorized to transport patients originating in the City, except helicopter transports and except under the conditions of Section 5.66.210. In order to maintain proper medical support, communications shall be maintained with the ambulance dispatch center for the area. ALS ambulances shall establish and maintain communications with and medical control from a base station in conformance with the rules of the Local EMS Agency. (Ord. 5761 § 1, 1989)

Section 5.66.200 Special events franchise.

The Council may grant a special events franchise to an ambulance service based outside the City and properly licensed by the California Highway Patrol or Federal Aviation Administration where appropriate to operate up to a total of thirty days in any calendar year for special events. An application for a special events franchise shall conform to the requirements of Section 5.66.040 and any franchise ordinance adopted by the Council shall contain such additional conditions and restrictions that the Council deems appropriate for the operation. (Ord. 5761 § 1, 1989)

Section 5.66.210 Emergency and disaster operations.

During any "state of war emergency," "state of emergency," or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code), as amended, each ambulance service franchised within the City shall within reason provide equipment, facilities, and personnel as requested by the Health Officer. (Ord. 5761 § 1, 1989)

Section 5.66.220 Mutual aid requirements.

A. Whenever the Health Officer or his designee determines that ambulance resources within the City are inadequate to respond to a City emergency/disaster, a request for emergency ambulance mutual aid may be made by him to any other County Health Officer or his designee within any County of the State or adjoining states. Whenever the Health Officer or his designee receives a request involving emergency ambulance mutual aid from any other County Health Officer or his designee, such resources may be provided as are available.

B. Where a franchisee needs additional equipment or personnel beyond that which he or she is usually able to supply, the franchisee shall contact the Health Officer and request his assistance to obtain such additional resources from adjacent area providers within the County.

C. Whenever the Health Officer or his designee determines that ambulance resources within the City are inadequate or nonexistent because an ambulance service's franchise has either been suspended, revoked or not extended, then the Health Officer or his designee may order another ambulance service to provide service in the City until a permanent provider can be selected by the Council. No temporary provider of such service shall be required to service the vacated area for more than sixty days during which time the Council shall attempt to obtain the service of another provider. (Ord. 5761 § 1, 1989)

Section 5.66.230 User complaint procedures.

Any person or patient who has received services from an ambulance service and who contends that he or she has been required to pay an excessive charge for service or that he or she has received unsatisfactory service may file a written complaint with the administrator setting forth such allegations and the facts upon which they are based. The administrator shall notify the ambulance service of the details of such complaint, and shall investigate the matter in

cooperation with the Local EMS Agency to determine the validity of the complaint. If the complaint is determined to be valid, the Administrator shall take reasonable and proper actions to secure compliance with the conditions of this chapter and the ambulance service's franchise ordinance. (Ord. 5761 § 1, 1989)

Section 5.66.240 Enforcement responsibilities.

A. The administrator shall propose for Council consideration and adoption rules and regulations deemed necessary and reasonable for regulating ambulance service operation, ambulance equipment, ambulance vehicles, ambulance personnel and rates and for the effective and reasonable administration of this chapter.

B. The administrator shall inspect the records, facilities, vehicles, equipment, and methods of operations of ambulance franchisees whenever such inspections are deemed necessary by him. (Ord. 5761 § 1, 1989)

Section 5.66.250 Public hearing procedure.

A. Applicability of this Hearing Procedure. The following administrative hearing procedure shall be applied in any hearing pertaining to the suspension, revocation, or denial of extension of a franchise to engage in an ambulance service as referenced in Sections 5.66.090 and 5.66.100. The hearing procedure set forth in the City Charter shall apply to the granting of a franchise.

B. Hearing. The hearing shall be conducted by the Council pursuant to this chapter.

C. Notice. At least ten days written notice of the hearing shall be given to the franchisee prior to the hearing date. The hearing date may be postponed or continued by the Council for cause. If the franchisee does not respond or appear, no further hearing procedure shall be required.

D. Hearing Procedures. Witnesses shall swear or affirm to tell the truth.

Following introduction by the administrator of the subject matter and issues to be resolved, the franchisee shall present his or her case first, then any opposing person, then the administrator and City staff, then any other interested person, with oral testimony and documentary evidence or other exhibits. Each party shall have the right to be represented by counsel, and shall have the right of cross-examination.

After all sides have completed presenting evidence, each party may comment on the evidence and argue the issues.

E. Council Determination. No Council determination or order shall be based solely on the basis of hearsay evidence.

The Council shall make its determination at the end of the hearing, which it may continue on its own motion for additional evidence, unless the parties stipulate to a greater period of time. The determination shall be in writing, and shall State the findings upon which the determination is made. (Ord. 5761 § 1, 1989)

Section 5.66.260 Specialized transportation services.

A. Any person desiring to provide within the City specialized transportation services involving the use of an ambulance or the attendance of certified emergency medical personnel or licensed medical personnel shall apply for a franchise therefor pursuant to the procedures of this chapter.

B. The application for a franchise to provide the specialized transportation services shall be subject to the investigation, hearing and franchise granting procedures of this chapter and the standards herein for granting a franchise.

C. Where such specialized transportation services are found by the Council to be required by the public health, safety, welfare, convenience and necessity, existing franchisees

then providing BLS, LALS or ALS transportation services shall be given the first opportunity to provide the services, and if they are unwilling or unable to do so the Council shall invoke the City Charter provisions for granting a franchise to the applicant. (Ord. 5761 § 1, 1989)

Section 5.66.270 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of this City hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 5761 § 1, 1989)